

VIA AIR MAIL

20 September 1949

STATINTL



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Returned herewith are Invitation No. CY-11-49, Certificate of Award, and contractor's bill, covering contract with the [redacted] for the transport of a shipment of equipment and supplies from [redacted]

The data was forwarded to this office with your memo of 11 April 1949 which requested advice as to whether the contractor was entitled to additional charges due to expenses incurred under circumstances purportedly beyond his control.

When effecting settlement with the [redacted] the following should be taken into consideration: STATINTL

With respect to the difficulty encountered in unloading a 10,000 gallon tank, which comprised part of the goods to be transferred, the weight of the tank is not given. Although the contractor appears to have been aware of the size and dimensions of the tank, the original contract calls for "transporting equipment and supplies packed in wooden boxes and crates". If the other material, exclusive of the tank, totaled the contractual amount of 23 tons 319 pounds, the additional charge for the use of the special truck would be justified. If the tank, however, were included in the 23 tons 319 lbs., it does not appear that the contractor had been put to any particular hardship but had simply made a bad guess on a business risk.

Apparently, some of the material crated was misplaced and either (1) inadvertently withheld by the shipping agent on the dock, or (2) unloaded after all the trucks had been dismissed from the dock with their cargo. In this connection, unless the Contracting Officer or his representative contributed to either of these factors, the use of the extra truck should be held to be the contractor's responsibility under the terms of the contract (23 tons 319 pounds at [redacted] per ton).

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In the event any payment in excess of that originally agreed upon is made, such action must be adequately explained and a complete supporting statement, signed by the Contracting Officer, attached to the voucher.

- 2 -

Should there be any further question with respect to the above, kindly advise.

Very truly yours,

[Redacted Signature]

Chief, Fiscal Branch

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Enclosure:

25X1A

[Redacted Enclosure]

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File

[Redacted]

Claims

FPD